THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8528 of 2007

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records pertaining to the order in F.No.Addl.CIT/R-11/2006-07 dated 10.4.2007 of the second respondent and quash the same as illegal, arbitrary and violative of principles of natural justice and consequently direct the second respondent to summon and examine (1) Sunil Anjaria (2) D.V.Bhaskar and (3) J.Sitaram of Dr.Reddy Laboratories as witnesses in the enquiry contemplated against the petitioner.

It appears, an enquiry under Rule 61 of the Income Tax Rules, 1962 was launched against the petitioner. It is the case of the petitioner that (1) Sunil Anjaria (2) D.V.Bhaskar and (3) J.Sitaram of Dr.Reddy Laboratories are necessary to be examined as witnesses in the enquiry initiated against him. The case of the respondents is that the said three witnesses are the clients of the petitioner and petitioner himself can examine them as witnesses on his behalf and instead of doing the same, petitioner is requesting the enquiry officer to examine those witnesses.

It seems there is some difficulty for the petitioner to examine those witnesses since it is those witnesses who complained about the nature of defraud committed by the petitioner as Income Tax practitioner. Therefore, it may not be possible for the petitioner to call them and examine on his behalf.

Under those circumstances, in order to meet the ends of justice, the Enquiry Officer is directed to examine (1) Sunil Anjaria (2) D.V.Bhaskar and (3) J.Sitaram of Dr.Reddy Laboratories as witnesses and the petitioner shall be permitted to cross-examine them, if necessary. The Enquiry Officer, for the purpose of enquiry, shall issue summons to the said witnesses by fixing the date of examination etc. The petitioner shall cooperate in the matter and

shall not raise any further objections as to the enquiry. If really, petitioner is in need of any document or want to examine other witnesses, he shall furnish a list of the same and on receiving such list, the Enquiry Officer shall proceed as per law.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 4.6.2007

Note:
Issue C.C. in (3) days.
B/o
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8528 of 2007

4.6.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.8528 of 2007

Date: 4th June, 2007

Between:

Indradeo Prasad Singh

.. Petitioner

And

The Commissioner of Income Tax,
Hyderabad-V, Ayakar Bhavan,
Basheerbagh, Hyderabad & another.

.. Respondents